

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

**M.A.C.M.A.Nos.1817, 1818, 1833, 1838, 1839, 1846, 1849 &
1854 of 2008**

COMMON JUDGMENT:

These appeals are preferred by the appellant/2nd respondent/insurance company questioning the orders of the Chairman, Motor Accidents Claims Tribunal-cum-VI Additional District Judge (III-F.T.C.), Warangal at Mahabubabad (for short, the Tribunal) in various M.V.O.Ps.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in the M.V.O.P.s before the Tribunal.

3. All these appeals arise out of the same accident, which occurred on 13.02.2003. The brief facts of these cases are that on 13.02.2003, after attending the Chief Minister's meeting at Kalwala Village of Kosamudram Mandal, while the claimants are returning to their village by walk on the extreme left side of the road, at about 19.00 hours, the crime tractor trolley bearing No.AP 36F 2011/2012, which was driven by its driver in a rash and negligent manner with high speed, came behind them and when it reached near Rakmi Thanda, the left front tyre of the said tractor was burst, the crime tractor turned turtle and dragged upto 5 to 6 yards, as a result, the accident was occurred. In the said accident, besides the occupants of the crime tractor trolley, 30 pedestrians sustained grievous fracture injuries. In these cases, some of the claimants are the

occupants of the crime tractor trolley and some are pedestrians. The 1st respondent is the owner of the crime tractor trolley and the 2nd respondent is the insurance company.

4. In all the claim petitions, the 1st respondent remained *ex parte*. The 2nd respondent filed counters in all the claim petitions denying the allegations made therein and contended that the amounts claimed by the claimants are highly excessive and that the 2nd respondent is not liable to pay any compensation and therefore prayed to dismiss the claim petitions.

5. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime tractor and trolley and awarded compensation to the claimants respectively with interest @ 7.5% per annum with a direction to respondents 1 & 2 to deposit the compensation amounts and interest thereon with costs within 30 days from the date of the awards. Aggrieved by the said orders, the appellant/2nd respondent/insurance company filed the present appeals.

6. Heard.

7. Learned counsel for the appellants contended that in similar issue, CBI enquiry has been ordered against the counsel and the doctor and the same is pending and therefore, prayed to allow the appeals by setting the orders of the Tribunal.

8. In so far as the compensations granted by the Tribunal to the claimants, which are more than the claims made by the claimants, this Court is of the considered view that in view of the decision of the apex Court in **Nagappa v Gurudayal Singh and others**¹, there cannot be any embargo upon restriction restricting the compensation amount on par with the claim. In view of the fact that the M.V. Act is a beneficial legislation as held by the Apex Court in several judgments, on the facts and circumstances of the case, compensation can be granted more than the claim amount. In so far as the enquiry pending by CBI is concerned, the said issue has been settled by this Court in MACMA No.2052 of 2006 on 22.02.2010 holding that the criminal proceedings initiated against the doctor or counsel is of criminal nature and has no relevancy in deciding this appeal. It is needless to observe that in view of the civil and criminal proceedings are separate in nature, the enquiry against the doctor or counsel cannot have any bearing in awarding compensation.

9. In view of the above, the appeals filed by the appellant – insurance company are dismissed confirming the orders passed by the Motor Accident Claims Tribunal-VI Additional District Judge, (III FTC), Warangal at Mahabubabad. No order as to costs.

¹ (2003)2 SCC 274

Miscellaneous petitions, if any pending in this appeal shall stand closed.

T.AMARNATH GOUD, J

Date: 29th July, 2019

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